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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,489	10/02/2003	Martin Kin-Fei Lee	129284	2488
27127	7590	12/22/2004	EXAMINER	
HARTMAN & HARTMAN, P.C. 552 EAST 700 NORTH VALPARAISO, IN 46383			NGUYEN, CHAU N	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/605,489

**Applicant(s)**

LEE ET AL.

**Examiner**

Chau N Nguyen

**Art Unit**

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-7, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA, Figure 1) in view of Ushiyama et al. (6,329,602).

Figure 1 discloses the invention substantially as claimed except for the at least one member (15) comprising an opposing pair of edges parallel to the longitudinal length of the stator bar, wherein the edges are welded together.

Ushiyama et al. discloses a tube for wiring harness. Ushiyama et al. discloses an insulating member (30, Fig. 12) comprising an opposing pair of edges parallel to each other in the longitudinal length, wherein the edges are welded together. It would have been obvious that instead of wrapping insulating tape to form the member (15), one skilled in the art would simplify the step of enclosing the stator bar by using the insulating member taught by Ushiyama et al. to enclose the stator bar of Figure 1 (re claims 1, 3 and 13).

The combination of Figure 1 and Ushiyama et al. also discloses the member comprising a single member that defines each of the opposing edges that are attached together (re claim 4), the member having a rectangular outer perimeter defining four corners and four sides therebetween (re claim 5), the opposing pair of edges being located on one of the sides of the outer perimeter of the single member (re claims 7 and 17). Re claim 6, it would have been obvious to one skilled in the art that depending on the specific use of the single member, the opposing pair of edges can be located along one of the four corners of the outer perimeter of the

single member since it has been held that rearranging parts (or the edges) of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

4. Claims 8-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA, Figure 1) in view of Ushiyama et al. as applied to claims 1 and 13 above and further in view of Muto (4,909,638).

The combination of Figure 1 and Ushiyama et al. discloses the invention substantially as claimed except for the at least one member comprising two members, each of the members defining a corresponding one of the opposing pair of edges that are attached together, each member defining a corresponding one of the second opposing pair of edges that are attached together, each member being C-shaped, slots being defined in each pair of edges so that each slot of a first of the opposing pair of edges opposing a corresponding one of the slots of a second of the opposing pair of edges, a member secured by an interference fit in each pair of the opposing slots to mechanically secure together the opposing pair of edges, and the electrical insulation layer of the at least one member being electrometric or filled thermoplastic materials.

Muto discloses a covering member comprising at least one member comprising two members, each of the members defining a corresponding one of the opposing pair of edges that are attached together, each member defining a corresponding one of the second opposing pair of edges that are attached together, each member being C-shaped, slots being defined in each pair of edges so that each slot of a first of the opposing pair of edges opposing a corresponding one of the slots of a second of the opposing pair of edges, a member secured by an interference fit in each pair of the opposing slots to mechanically secure together the opposing pair of edges. It would have been obvious to one skilled in the art to modify the covering member of Figure 1 (AAPA) to have a pair of opposing edges which comprise interlocking features that physically secure the edges together, as taught by Muto, to ease the step of enclosing the stator bar.

Re claim 12, it would have been obvious to one skilled in the art to use filled thermoplastic material for the at least one member of Figure 1 (AAPA) to meet the specific use of the resulting device since filled thermoplastic material is known in the art for being used to cover stator bar. Examiner takes Official Notice.

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA, Figure 1) in view of Ushiyama et al. as applied to claim 13 above and further in view of Emery (6,420,812).

The modified bar of Figure 1 (AAPA) discloses the invention substantially as claimed except for a conductive material on an interior and an exterior surface of the insulation material. Emery discloses a member for enclosing stator bar. Emery discloses the member comprising an insulation material (26) whose interior surface and exterior surface are covered by a conductive material (24,28). It would have been obvious to one skilled in the art to cover the interior and exterior surfaces of Figure 1's insulation material with a conductive material to provide an inner and outer corona protector respectively for the stator bar as taught by Emery.

***Allowable Subject Matter***

6. Claims 2 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a stator bar comprising all the features as recited in the claims and in combination with each of

the interlocking features being continuous along a corresponding one of the edges so as to be substantially parallel to the longitudinal length of the stator bar (re claims 2 and 14).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection except for the following.

Applicant argues that nowhere does Ushiyama et al. ever disclose or even suggest that any of the disclosed tubes is formed on an electrical insulating material. Therefore, Ushiyama et al's tubes are not related to electrical insulating materials, but instead are merely protective coverings. This argument is not found persuasive because Ushiyama et al. does disclose the tubes being formed of electrical insulating material. Specifically, the cross-section hatching of the tubes shown in the drawings of Ushiyama et al. has symbol of "rubber or electrical insulation" material, see MPEP 608.02 (the symbol table used to indicate the materials). Ushiyama et al. also discloses that the tubes are formed of "foamed flexible" material. One skilled in the art would know that only plastic, thermoplastic, rubber, or thermoset can be foamed and not metal. Accordingly, Ushiyama et al. does disclose the tube being formed of electrical insulating



material. In response to applicant's argument that Ushiyama is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Ushiyama et al. is in the field of applicant's endeavor, namely, covering to protect electrical wires.

In response to applicant's argument that Muto's "covering member" is not in any way related to electrical insulating materials, Muto is used only to support the position of a covering member comprising two members which can be attached together to ease the process of enclosing an object. Therefore, Muto does not have to disclose the covering member being formed of an insulating material.

### ***Summary***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chau N Nguyen  
Primary Examiner  
Art Unit 2831